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ABSTRACT

By state law, the age of majority was lowered to 18 as of 1972. This pamphlet consists of general guidelines for curricula and school programs in response to questions regarding the implications of the new legislation. For example, school districts are requested to re-examine their civics courses in light of new voting age. It is also recommended that they incorporate within their curriculum structure a means by which students may acquire information about and an understanding of: contracts as they apply to personal and real property and insurance; consumerism and economic theory; labor legislation and unions; criminal and civic law proceedings; mental commitment and medical treatment; and, alcohol and tobacco use. (DJB)

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The Age of Majority

GUIDELINES FOR LOCAL DISTRICTS

MICHIGAN DEPARTMENT OF EDUCATION

State Board of Education

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FOREWORD

In recent weeks many inquiries have been received in the Department of Education concerning the impact upon schools and school programs of the lowering of the age of majority to eighteen.

In response to these expressions of concern the State Board of Education has worked with members of the staff of the Department to develop the informational guidelines set forth in this document. It is intended that these guidelines will provide necessary information to assist districts in reviewing the implications of the legislation and the effects on school programs of the lowering of the age of majority.

Although the age of majority legislation will have implications in many areas, the State Board of Education believes that the most important challenge to local districts will be in the area of curriculum review. To this end the guidelines will be referred to the Council on Elementary and Secondary Education for consideration and the Council will be asked to make recommendations concerning specific ways in which existing programs might be modified in a manner to best achieve the objectives set forth in this document.

John W. Porter
Superintendent of Public Instruction

GUIDELINES FOR LOCAL DISTRICTS IN REGARD TO THE LOWERING OF THE AGE OF MAJORITY TO EIGHTEEN

Introduction

In July, 1971, the Governor signed into law a bill that will, on the first of the year, lcwer the Age of Majority from 21 years of age to 18 years of age. This legislation will undoubtedly have a significant impact on nearly all individuals and groups throughout the state. The schools will particularly feel the impact of the new law since not only will some students who are still in school now be within the age of majority, but, further, students in secondary schools--particularly those students in the upper grades--will now be much closer to their age of majority while they are still in schools and will, therefore, be more vitally concerned with the rights and responsibilities that will thereby accrue to them soon.

Because it is important for young people, as well as citizens in general, to be well informed about their responsibilities and rights, particularly as these responsibilities and rights may accrue to persons 18 to 21 years of age, the State Board of Education has developed the following guidelines to assist the schools in responding to the implications of the Age of Majority legislation.

Voting

An essential and basic purpose of the schools is to educate young people for the responsibilities of citizenship. However, since young

people have not been allowed to vote until they became 21, many youth saw their citizenship responsibilities, at least in regard to voting, as something in the rather dim future. Now that youth may vote at 18, however, students in secondary schools may take more seriously their education in this area, since their responsibilities for voting will be so imminent. Indeed, educators may discover that their students will take a more active interest in such courses as civics and government, since they know that very soon as adult citizens they will have the right to help determine their governmental leaders. In fact, some students may be voting while they are still in high school.

State law already requires that "in all Michigan high schools, offering 12 grades of work, a one-semester course of study of five recitation periods per week or the equivalent thereof shall be given in civics." The law further stipulates that such a civics course shall cover "the form and functions of our federal and state governments and of county, city, township, and village governments." Further: "Throughout the course the rights and responsibilities of citizens shall be stressed. No diploma shall be issued by any high school to any student unless such student shall have successfully completed said course." Thus, Michigan schools have long been attempting to prepare students for the responsibilities of citizenship, even though the voting privilege did not come to them until approximately two or three years after they had finished their formal secondary education.

In the light of the new legislation, however, it is recommended that all secondary schools in the state re-evaluate their civics programs. Teachers of civics courses should take special pains to focus their programs less on

the functions of government in the rather academic, textbook sense, and more on the "real-world" functions of governments. Thus, each school district should not only re-examine their course offerings in civics, but should also re-evaluate the materials used in these courses. Further, plans should be made to conduct in-service training for teachers of civics, so that they might be apprised of the most recent techniques of teaching in this area and of the materials available.

Contractual Agreements

Perhaps no area related to the lowering of the age of majority is as complex as is the area of contractual agreements. However, this particular area was complex, if not confusing, inconsistent, and ill-defined prior to the new law as well. Lowering the age of majority will, in many ways, simplify and make more consistent matters relating to contractual agreements for young people in the 18 to 21 years of age category. But while the new legislation will tend to make the law more consistent in regards to contractual agreements it will also place a greater responsibility upon the young to understand this phase of business.

In this section contractual agreements may be discussed in terms of personal property, insurance, and real property.

Personal Property: Personal property contracts include both contracts for necessities and contracts for other goods and services. In regard to contracts for necessities, a minor's contract for necessities has always been enforceable. For example, if an 18-year old could demonstrate that he needed an automobile in order to support himself and, perhaps, his family, then he has always had the right to make a binding contract. However,

the matter of "necessity" has been open to interpretation. Thus, in terms of purchases that could be shown to be necessities, young people have long been able to enter contractual agreements.

However in regard to goods and services not considered to be necessities (such as a phonograph), prior to the new legislation contracts of minors were voidable at the minor's option and could be reputdiated by the minor upon reaching the age of 21. For this reason persons under the age of 21 were often hampered in the process of making purchases, even though they might have been married and financially independent. For many years exceptions have been provided to persons under 21 by the Legislature. For example, under the banking laws, minors were permitted to maintain bank accounts (both checking and savings) and minors have been allowed to participate in savings and loan association and credit union activities.

Under the new law, persons 18 years of age will now be legally able to enter into all types of contractual agreements. While this represents a much greater latitude than was legally possible heretofore, it cannot be said that such agreements have been at all unknown to persons in the 18 to 21 category previously. The new law does make it all the more imperative nonetheless that schools take particular pains to give students instruction in the complex area of contracts regarding personal property.

Insurance: Since 1957 Michigan law has provided that any person between the ages of 16 and 21 may make a contract for life or disability insurance. However, not until the recent legislation have minors been able to obtain other types of insurance, such as automobile, fire, theft, and health. (However, young persons of 18 years of age have been allowed

to sell all types of insurance.)

Real Property: The law has been particularly strict in regards to the ownership of property, mortgages, and other contracts affecting interests in realty. Heretofore, a person under 21 years of age could not purchase a home or obtain a mortgage. These restrictions also applied to the purchase of lots and mobile homes. The new legislation allows for all types of contracts affecting real property to be entered into by persons 18 years of age.

It is, therefore, recommended that considering the implications of the lowering of the age of majority in such contractual agreement areas as personal property, insurance, and real property, that all secondary schools incorporate within their curriculum structure a means by which students may acquire information about and an understanding of contracts as they apply to these three areas.

Economics Education

While the lowering of age of majority from 21 to 18 does not really increase the need for economics education in the schools, it does tend to throw into sharper focus than ever the pressing need for better school programs in this area. Even before the new legislation young people have taken an active and vital part in the economics of our society as consumers, especially if they have become financially independent before the age of 21. Now, however, since young people between the ages of 18 and 21 will have even greater responsibilities and rights in regard to contracts and so forth, it seems all the more imperative that schools re-examine their economics education programs.

One aspect of economics education should be on the very practical consumer level. Young people need to learn more about how charge accounts operate, what buying on time means, where consumer services are available, and so on. (In the area of credit buying, under the new legislation young persons may actually find it in some cases to be more difficult to open credit accounts since some merchants may feel uncertain about extending credit without benefit of a more mature and financially secure co-signer to a person they may feel to be too youthful to be a good credit risk.) Young people also need training in managing budgets and in personal finance, and they need to be aware of buying on the basis of unit prices. In addition, they need to know about how to make consumer complaints. These important consumer affairs have largely been neglected in the schools and yet virtually every student will become an active consumer and needs to know how to manage his affairs more intelligently in regard to consumerism.

Further, since it is well known that perhaps the strongest forces in any society are the economic forces, citizens need to know more than they generally do about economic theory. Economics is a highly complex area and perhaps it would not be an exaggeration to say that a very small segment of our society understands principles of economics to any degree. But considering the importance of economics in this or any other society this kind of massive ignorance must be rectified, and the place to start is in the schools. Now that young people will be entering the world of the adult at an earlier age than heretofore, the need for improvements in

economic education is even more highlighted.

A special problem is that few teachers--even social studies teachers--have had much formal training in economics. Surveys have indicated that of the total number of social studies teachers in the state a small percentage have ever had a single course in economics at the college level. Hence, it would seem that teacher training programs need to be instituted in this area by our colleges and universities, and local districts might undertake in-service training programs as well. Such training courses should stress to teachers that it is not only important to apprise students of their economic rights within society, but also of their responsibilities as a voting participant in formulating public policy.

It is recommended, therefore, that schools throughout the state re-examine their economics education programs, so that improved programs may become available to students at all grade levels, so that they do a more effective job in offering students both consumer education and the more traditional economics-theory education, and so that both their rights as citizens and their responsibilities may be stressed.

Occupational Implications

Many young people have been entering the job market at age 18, and the lowering of the age of majority will probably not affect the number of youth under 21 who seek work. However, when the law goes into effect youth who are under the age of 21 and are working will have a new status--they will be considered adults. This means that schools should do a better job than heretofore in the area of informing young people about their responsibilities and rights in regard to economic security. Too few persons

are well informed about such matters as workmen's compensation, unemployment compensation, social security, re-employment of veterans' programs, the benefits of various welfare programs, and minimum wage laws. In terms of social security for example, while most people know that this federal program provides for retirement benefits, few know that social security also offers benefits in terms of health and disability benefits. Further, young people will need to know much more than they do about unions, since the occupational area they may enter may be very much affected by these organizations.

It is, therefore, recommended that all secondary schools in the state provide opportunities for students to obtain information about and an understanding of such programs that may affect their occupational endeavors, such as workmen's compensation, social security, re-employment of veterans, welfare programs, and minimum wage laws. They should also be apprised of the function of unions in today's occupational areas.

Legal Proceedings

Civil law proceedings: Until the Age of Majority legislation, persons between the age of 18 and 21 were prohibited from bringing a civil action against another person and in such cases persons under the age of majority were required to act through another person, such as a friend or guardian. However, in cases where a person under 21 years of age was a defendant, he could legally stand on his own, without benefit of a friend or guardian. It was encumbent upon him to either seek counsel or defend himself, as he chose. Thus, the situation has been that while young persons under the

age of 21 have always been legally responsible for his torts, he has not been in a position to take civil action against another person. The Age of Majority legislation, therefore, does not change the young person's responsibility to defend himself, but it does now make it possible for him to bring civil action.

Criminal Law Proceedings: Although young people between the ages of 18 and 21 years of age have heretofore been below the age of majority, in the area of criminal law proceedings persons 18 years of age and above have always been treated as full adults. Thus, in reality, the new legislation does not significantly change matters in this area. However, since 18-year olds do stand on their own feet in regard to criminal law proceedings (and, further, since 16 and 17 year-old youth may also be treated as adults in this regard), it is encumbent upon the schools to take special care to apprise students in the secondary schools of their responsibilities and rights under criminal law.

It is, therefore, recommended that all secondary schools in the state incorporate within their curricular structure a means by which students may acquire information about and an understanding of criminal and civil law proceedings and that such study will focus not only on the individual responsibilities and rights as a plaintiff, but also as a defendant.

Wills: Under the new law, persons 18 years of age or older shall be able to make wills. Age, as such, has little bearing on the need for a will; the significant factors that determine the need for a will include marital status, presence or absence of children, the amount of property a

person has, the particular desires of the property owner. It seems clear that students who have attained or who will shortly attain the age of majority should be informed about the factors that make the drawing up a will important. Students should also learn about the general procedures for drawing up a will.

It is, therefore, recommended that all secondary schools in the state incorporate within their curricular structure the means for providing young people information concerning: (1) the procedures for making out wills, and (2) the situations in which persons should have a will made out.

Inheritance: Under the law, persons 18 years of age and older can now receive inheritance without the presence of a guardian. Although persons may still specify, of course, that those who will inherit money and property shall be of a certain age before they may obtain these, there is no question that under the new law young people under 21 will be receiving inheritances. It would seem, then, that young people should be apprised of the various means that are available to him for dealing judiciously with significant sums of money and amounts of property, such as investments, annuities, and savings plans.

It is, therefore, recommended that all secondary schools in the state incorporate within their curriculum structure a means by which students may acquire information about judicious methods of handling significant sums of money or amounts of property that may be attained through inheritance. Students should also learn about the legal proceedings attendant upon inheritances.

Mental commitment: Involuntary commitment of persons 18 years of age but under 21 years of age has traditionally been the same as for an adult. However, while 18 year olds have been subject to the same laws as adults in terms of involuntary commitment, persons under 21 years of age have not been able to commit themselves on a voluntary basis. Now, however, persons of 18 years of age will be able to seek voluntary commitment to a mental institution. It would seem advisable, therefore, that students should become generally familiar with some of the clinical symptoms of mental disease, so that if such symptoms should occur they may recognize them at least enough to seek appropriate help. The individual can then make a decision concerning commitment.

It is recommended, therefore, that all secondary schools in the state provide students with information concerning the general symptoms of mental disease and will apprise them of the services available to them for help, including the availability of mental institutions, mental health clinics, and treatment centers.

Medical Treatment: Prior to the Age of Majority legislation persons under the age of 21 could not seek medical treatment nor make binding decisions for or against treatment without parental consent.* Now, however, young people may seek such treatment without parental or guardian consent. This means that unwed girls who are 18 years of age and pregnant may now seek prenatal care without parental consent, and, also, young people who have a drug problem, who may have venereal disease, or who may have any

* Act 238 of 1969 and Act 241 of 1970 respectively provide for treatment of minors for venereal disease and dependency on drugs and narcotics without parental consent.

other communicable disease, may seek treatment.

It is recommended, therefore, that all schools in the state provide students with information concerning the availability of medical treatment, such as public health facilities. Further, youngsters should be apprised of the importance of seeking immediate medical attention in such areas as pregnancies, drug problems, venereal disease, and communicable diseases in general, including the seeking of information concerning prevention and treatment in accordance with state law.

Alcohol

Under the new legislation it will be possible for persons 18 years of age to purchase alcoholic beverages. School officials have raised the question as to what implications this fact might have for the schools.

In a survey taken by the Department of Education of states in which it has been legal for 18-year olds to purchase alcoholic beverages, it was indicated that such states do not have a significant problem relating to drinking or drunkenness in the schools. School officials simply have rules concerning the use of alcohol in schools and persons who attend school are not allowed to drink on the school premises, nor are they allowed to come to school under the influence of alcohol.

It is recommended, therefore, that school districts throughout the state establish strict rules concerning the use of alcohol within the school building, on the school premises, or during school functions. Further, just as no school official would tolerate the appearance of a teacher in school who was under the influence of alcohol, neither will

students who are under the influence of alcohol be tolerated in school or at school affairs. It is entirely within the purview of the local districts to establish such rules, and these rules should indeed be established and written in explicit terms. Such rules should prohibit: the use of alcohol in the school building or on the school grounds; the use of alcohol at school functions, even if these functions should be held away from the school premises; and the appearance of students in school or at school functions who are to any degree under the influence of alcohol.

Tobacco

Smoking has long been a problem for school officials, and now that 18-year olds may legally purchase tobacco products this problem might become even more severe. Considering the fact that smoking is, almost without doubt, injurious to health, schools should continue to discourage young people from taking up the smoking habit. This should be done through educational programs which point out to young people the dangers of smoking and also through rules that prohibit smoking in the school building, on the school premises, or at school functions.

It is recommended that: No person shall be allowed to smoke in the school building or on the school premises, except in prescribed areas; no person shall be allowed to smoke at school functions, even those held away from the school. Students shall, however, be allowed to carry tobacco products on their persons, providing they are at least 18 years of age.

General School Rules

Lowering the age of majority to 18 has brought up the question of school rules in general. Will it now be necessary, educators have asked, to establish two sets of rules for students--one set for those below the age of 18, and another set for students who may be over 18? Obviously, two sets of rules to enforce would cause a great deal of difficulty for school officials and much confusion among the students themselves.

In terms of this problem it can be stated unequivocably that rules and regulations for the discipline and control of pupils may be made by the state, local boards of education, teachers, and principals, and these may be enforced reasonably against all who are in the school setting, below or above the age of 18, with regard to surrounding circumstances. (Michigan School Laws, Sec. 340.614, M.S.A. 15.3614) These rules may be "relative to anything whatever necessary for the proper establishment, maintenance, management and carrying on of the public schools of such district, including regulations relative to the conduct of pupils..."

Act No. 79
Public Acts of 1971
Approved by Governor
August 4, 1971

STATE OF MICHIGAN

76TH LEGISLATURE

REGULAR SESSION OF 1971

Introduced by Reps. Dively, Vaughn, Heinze, Serotkin, Weber, Smart, Brodhead, Tierney, Ford, James F. Smith, De Stigter, Engler, Bryant, Mittan, Cramton, Jim Brown, Smit, Buth, Geerlings, Trezise, Strang, Spencer, Ziegler, Stackable, Groat, Friske, Mowat, Damman, Defebaugh, Gast, Prescott, Brennan, Payant, Traxler, Kildee, F. Robert Edwards, Loren D. Anderson, Allen, Guastello, Robert D. Young, Mrozowski, Morris W. Hood, Jr., Swallow, Sackett, Davis, Hunsinger, Farnsworth, Thomas H. Brown, O'Brien, O'Neill, Roy Smith, Saunders, Suski, Goemaere, Fitzgerald and Folks

Enrolled House Bill No. 4584

AN ACT to define the age of majority or legal age and to prescribe and define the duties, liabilities, responsibilities, rights and legal capacity of persons 18 or more years of age.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "Age of Majority Act of 1971".

Sec. 2. Notwithstanding any other provision of law to the contrary, a person who is 18 years of age but less than 21 years of age when this act takes effect, and a person who attains 18 years of age thereafter, is deemed to be an adult of legal age for all purposes whatsoever and shall have the same duties, liabilities, responsibilities, rights and legal capacity as persons heretofore acquired at 21 years of age.

Sec. 3. This act supersedes all provisions of law prescribing duties, liabilities, responsibilities, rights and legal capacity of persons 18 years of age through 20 years of age different from persons 21 years of age, including but not limited to the following enumerated public acts:

Sections 2 and 6 of Act No. 372 of the Public Acts of 1927, as amended, being sections 28.422 and 28.426 of the Compiled Laws of 1948.

Section 1 of Act No. 53 of the Public Acts of 1921, being section 41.501 of the Compiled Laws of 1948.

(53)

Section 107 of chapter 14 of the Revised Statutes of 1846, as amended, being section 55.107 of the Compiled Laws of 1948.

Section 69 of Act No. 206 of the Public Acts of 1893, being section 211.69 of the Compiled Laws of 1948.

Sections 305 and 310a of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.305 and 257.310a of the Compiled Laws of 1948.

Sections 9a and 44 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.19a and 330.54 of the Compiled Laws of 1948.

Section 55b of Act No. 280 of the Public Acts of 1939, as amended, being section 400.55b of the Compiled Laws of 1948.

Section 823 of Act No. 317 of the Public Acts of 1969, being section 418.823 of the Compiled Laws of 1948.

Section 12 of Act No. 27 of the Public Acts of 1959, as amended, being section 431.42 of the Compiled Laws of 1948.

Sections 33, 33a and 33b of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being sections 436.33, 436.33a and 436.33b of the Compiled Laws of 1948.

Section 1 of Act No. 160 of the Public Acts of 1919, being section 551.251 of the Compiled Laws of 1948.

Sections 1 to 4, 6, 7 and 9 of Act No. 172 of the Public Acts of 1959, as amended, being sections 554.451 to 554.454, 554.456, 554.457 and 554.459 of the Compiled Laws of 1948.

Sections 15 and 29 of chapter 66 of the Revised Statutes of 1846, being sections 558.15 and 558.29 of the Compiled Laws of 1948.

Act No. 236 of the Public Acts of 1961, as amended, being sections 600.101 to 600.9930 of the Compiled Laws of 1948.

Act No. 288 of the Public Acts of 1939, as amended, being sections 701.1 to 713.6 of the Compiled Laws of 1948.

Act No. 293 of the Public Acts of 1968, being sections 722.1 to 722.6 of the Compiled Laws of 1948.

Sections 1 to 3 of Act No. 31 of the Public Acts of 1915, being sections 722.641 to 722.643 of the Compiled Laws of 1948.

Sections 28, 141, 141a, 141c, 141d, 142, 243a to 243e and 345 of Act No. 328 of the Public Acts of 1931, as amended, being sections 750.28, 750.141, 750.141a, 750.141c, 750.141d, 750.142, 750.243a to 750.243e and 750.345 of the Compiled Laws of 1948.

Act No. 186 of the Public Acts of 1959, being sections 752.891 and 752.892 of the Compiled Laws of 1948.

Section 10 of chapter 6 of Act No. 175 of the Public Acts of 1927, being section 766.10 of the Compiled Laws of 1948.

Sec. 4. This act does not impair or affect any act done, offense committed or right accruing, accrued or acquired, or a liability, penalty, forfeiture or punishment incurred before this act takes effect, but the same may be enjoyed, asserted and enforced, as fully and to the same extent as if this act had not been passed. Such proceedings may be consummated under and in accordance with the law in force at the time the proceedings are or were commenced. Proceedings pending at the effective date of this act and proceedings instituted thereafter for any act, offense committed, right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred before the effective date of this act may be continued

or instituted under and in accordance with the law in force at the time of the commission of the act, offense committed, right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred.

Sec. 5. This act shall take effect January 1, 1972.

This act is ordered to take immediate effect.

Thos. Thatcher

Clerk of the House of Representatives.

Beryl L. Kenyon

Secretary of the Senate.

Approved_____

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Governor.